

ASSEMBLY BILL

No. 1945

Introduced by Assembly Member Nakano

February 11, 2004

An act to amend Section 1569.616 of the Health and Safety Code, relating to residential care facilities for the elderly.

LEGISLATIVE COUNSEL'S DIGEST

AB 1945, as introduced, Nakano. Residential care facilities for the elderly: administrator certification program: training.

The existing California Residential Care Facilities for the Elderly Act requires an administrator of a residential care facility for the elderly to successfully complete a certification program approved by the State Department of Social Services prior to employment, unless the individual meets one of the specified exemptions. The act requires the department to establish by regulation the program content, the testing instrument, the process for approving certification programs, and criteria to be used in authorizing individuals, organizations, or educational institutions to conduct certification programs and continuing education courses.

The act requires a vendor of online programs for continuing education to ensure that each online course (1) contains an interactive portion where the participant receives feedback through online communication based on input from the participant, and (2) requires the use of a personal identification number or personal identification information to confirm the identity of the participant.

This bill would additionally require a vendor of online programs for continuing education to ensure that each online course contains a final screen displaying a printable statement, to be signed by the participant

under penalty of perjury, stating that the identified participant completed the course. By changing the definition of a crime this bill would impose a State-mandated local program. The bill would require the vendor to obtain a copy of the final screen statement with the original signature of the participant prior to issuing a certificate of completion to the participant, to keep the signed statement of completion for a period of three years, and to make the signed statement available to the department upon demand.

The act requires a vendor that offers online continuing education programs to annually conduct a random 10% sampling of participants in order to ensure quality control.

This bill would delete that requirement.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1569.616 of the Health and Safety Code
- 2 is amended to read:
- 3 1569.616. (a) (1) An administrator of a residential care
- 4 facility for the elderly shall be required to successfully complete
- 5 a department approved certification program prior to
- 6 employment.
- 7 (2) In those cases where the individual is both the licensee and
- 8 the administrator of a facility, or a licensed nursing home
- 9 administrator, the individual shall comply with the requirements
- 10 of this section unless he or she qualifies for one of the exemptions
- 11 provided for in subdivision (b).
- 12 (3) Failure to comply with this section shall constitute cause for
- 13 revocation of the license of the facility where an individual is
- 14 functioning as the administrator. ~~The~~
- 15 (4) *The* licensee shall notify the department within 30 days of
- 16 any change in administrators.



(b) Individuals seeking exemptions under paragraph (2) of subdivision (a) shall meet the following criteria and fulfill the required portions of the certification program, as the case may be:

(1) An individual designated as the administrator of a residential care facility for the elderly who holds a valid license as a nursing home administrator issued in accordance with Chapter ~~8.5~~ 2.35 (commencing with Section ~~3901~~ 1416) of Division 2 of the ~~Business Health and Professions~~ Safety Code shall be required to complete the areas in the uniform core of knowledge required by this section that pertain to the law, regulations, policies, and procedural standards that impact the operations of residential care facilities for the elderly, the use, misuse, and interaction of medication commonly used by the elderly in a residential setting, and resident admission, retention, and assessment procedures, equal to 12 hours of classroom instruction. An individual meeting the requirements of this paragraph ~~shall~~ may not be required to take a written test.

(2) In those cases where the individual was both the licensee and administrator on or before July 1, 1991, the individual shall be required to complete all the areas specified for the certification program, but ~~shall~~ may not be required to take the written test required by this section. Those individuals exempted from the written test shall be issued a conditional certification that is valid only for the administrator of the facility for which the exemption was granted.

(A) As a condition to becoming an administrator of another facility, the individual shall be required to pass the written test provided for in this section.

(B) As a condition to applying for a new facility license, the individual shall be required to pass the written test provided for in Section 1569.23.

(c) (1) The administrator certification program shall require a minimum of 40 hours of classroom instruction that provides training on a uniform core of knowledge in each of the following areas:

(A) Laws, regulations, and policies and procedural standards that impact the operations of residential care facilities for the elderly.

(B) Business operations.

(C) Management and supervision of staff.

1 (D) Psychosocial needs of the elderly.

2 (E) Community and support services.

3 (F) Physical needs for elderly persons.

4 (G) Use, misuse, and interaction of medication commonly used
5 by the elderly.

6 (H) Resident admission, retention, and assessment procedures.

7 (I) Training focused specifically on serving clients with
8 dementia. This training shall be for at least four hours.

9 (2) Individuals applying for certification under this section
10 shall successfully complete an approved certification program,
11 pass a written test administered by the department within 60 days
12 of completing the program, and submit the documentation
13 required by subdivision (d) to the department within 30 days of
14 being notified of having passed the test. The department may
15 extend these time deadlines for good cause. The department shall
16 notify the applicant of his or her test results within 30 days of
17 administering the test.

18 (d) The department ~~shall~~ may not begin the process of issuing
19 a certificate until receipt of all of the following:

20 (1) A certificate of completion of the administrator training
21 required pursuant to this chapter.

22 (2) The fee required for issuance of the certificate. A fee of one
23 hundred dollars (\$100) shall be charged by the department to cover
24 the costs of processing the application for certification.

25 (3) Documentation of passing the written test or of qualifying
26 for an exemption pursuant to subdivision (b).

27 (4) Submission of fingerprints. The department and the
28 Department of Justice shall expedite the criminal record clearance
29 for holders of certificates of completion. The department may
30 waive the submission for those persons who have a current
31 criminal record clearance on file.

32 (e) It shall be unlawful for any person not certified under this
33 section to hold himself or herself out as a certified administrator
34 of a residential care facility for the elderly. Any person willfully
35 making any false representation as being a certified administrator
36 is guilty of a misdemeanor.

37 (f) (1) Certificates issued under this section shall be renewed
38 every two years and renewal shall be conditional upon the
39 certificate holder submitting documentation of completion of 40
40 hours of continuing education related to the core of knowledge

specified in paragraph (1) of subdivision (c). No more than one-half of the required 40 hours of continuing education necessary to renew the certificate may be satisfied through online courses. For purposes of this section, individuals who hold a valid license as a nursing home administrator issued in accordance with Chapter ~~8.5~~ 2.35 (commencing with Section ~~3901~~ 1416) of Division 2 of the ~~Business~~ *Health and Professions Safety* Code and meet the requirements of paragraph (1) of subdivision (b) shall only be required to complete 20 hours of continuing education.

(2) Every certified administrator of a residential care facility for the elderly is required to renew his or her certificate and shall complete the continuing education requirements of this subdivision whether he or she is certified according to subdivision (a) or (b). ~~On and after January 1, 2002, at~~ At least eight hours of the 40-hour continuing education requirement for a certified administrator of a residential care facility for the elderly shall include instruction on serving clients with dementia, including, but not limited to, instruction related to direct care, physical environment, and admissions procedures and assessment.

(3) Certificates issued under this section shall expire every two years, on the anniversary date of the initial issuance of the certificate, except that any administrator receiving his or her initial certification on or after January 1, 1999, shall make an irrevocable election to have his or her recertification date for any subsequent recertification either on the date two years from the date of issuance of the certificate or on the individual's birthday during the second calendar year following certification. The department shall send a renewal notice to the certificate holder 90 days prior to the expiration date of the certificate. If the certificate is not renewed prior to its expiration date, reinstatement shall only be permitted after the certificate holder has paid a delinquency fee equal to three times the renewal fee and has provided evidence of completion of the continuing education required.

(4) To renew a certificate, the certificate holder shall, on or before the certificate expiration date, request renewal by submitting to the department documentation of completion of the required continuing education courses and pay the renewal fee of one hundred dollars (\$100), irrespective of receipt of the department's notification of the renewal. A renewal request

1 postmarked on or before the expiration of the certificate is proof
2 of compliance with this paragraph.

3 (5) A suspended or revoked certificate is subject to expiration
4 as provided for in this section. If reinstatement of the certificate is
5 approved by the department, the certificate holder, as a condition
6 precedent to reinstatement, shall pay a fee in an amount equal to
7 the renewal fee, plus the delinquency fee, if any, accrued at the
8 time of its revocation or suspension.

9 (6) A certificate that is not renewed within four years after its
10 expiration ~~shall~~ may not be renewed, restored, reissued, or
11 reinstated except upon completion of a certification program,
12 passing any test that may be required of an applicant for a new
13 certificate at that time, and paying the appropriate fees provided
14 for in this section.

15 (7) A fee of twenty-five dollars (\$25) shall be charged for the
16 reissuance of a lost certificate.

17 (8) A certificate holder shall inform the department of his or her
18 employment status within 30 days of any change.

19 (g) The department may revoke a certificate issued under this
20 section for any of the following:

21 (1) Procuring a certificate by fraud or misrepresentation.

22 (2) Knowingly making or giving any false statement or
23 information in conjunction with the application for issuance of a
24 certificate.

25 (3) Criminal conviction unless an exemption is granted
26 pursuant to Section 1569.17.

27 (h) The certificate shall be considered forfeited under *either of*
28 the following conditions:

29 (1) The administrator has had a license revoked, suspended, or
30 denied as authorized under Section 1569.50.

31 (2) The administrator has been denied employment, residence,
32 or presence in a facility based on action resulting from an
33 administrative hearing pursuant to Section 1569.58.

34 (i) (1) The department shall establish, by regulation, the
35 program content, the testing instrument, the process for approving
36 certification programs, and criteria to be used in authorizing
37 individuals, organizations, or educational institutions to conduct
38 certification programs and continuing education courses. These
39 regulations shall be developed in consultation with provider and
40 consumer organizations, and shall be made available at least six

1 months prior to the deadline required for certification. The
2 department may deny vendor approval to any agency or person
3 that has not provided satisfactory evidence of their ability to meet
4 the requirements of vendorization set out in the regulations
5 adopted pursuant to subdivision (j).

6 (2) (A) A vendor of online programs for continuing education
7 shall ensure that each online course contains ~~both~~ *all* of the
8 following:

9 (i) An interactive portion where the participant receives
10 feedback, through online communication, based on input from the
11 participant.

12 (ii) Required use of a personal identification number or
13 personal identification information to confirm the identity of the
14 participant.

15 (iii) *A final screen displaying a printable statement, to be*
16 *signed by the participant under penalty of perjury, stating that the*
17 *identified participant completed the course. The vendor shall*
18 *obtain a copy of the final screen statement with the original*
19 *signature of the participant prior to the issuance of a certificate of*
20 *completion. The signed statement of completion shall be*
21 *maintained by the vendor for a period of three years and be*
22 *available to the department upon demand.*

23 (B) Nothing in this subdivision shall prohibit the department
24 from approving online programs for continuing education that do
25 not meet the requirements of ~~clauses (i) and (ii)~~ of subparagraph
26 (A) if the vendor demonstrates to the department's satisfaction
27 that, through advanced technology, the course and the course
28 delivery meet the requirements of this section.

29 ~~(C) A vendor that offers online continuing education programs~~
30 ~~shall conduct, annually, a random 10 percent sampling of~~
31 ~~participants in order to ensure quality control.~~

32 (3) The department may authorize vendors to conduct the
33 administrator certification training program pursuant to
34 provisions set forth in this section. The department shall conduct
35 the written test pursuant to regulations adopted by the department.

36 (4) The department shall prepare and maintain an updated list
37 of approved training vendors.

38 (5) The department may inspect training programs, continuing
39 education courses, and online courses, at no charge to the
40 department, in order to determine if content and teaching methods

1 comply with paragraphs (1) and (2), if applicable, and with
2 regulations. If the department determines that any vendor is not
3 complying with the intent of this section, the department shall take
4 appropriate action to bring the program into compliance, which
5 may include removing the vendor from the approved list.

6 (6) The department shall establish reasonable procedures and
7 timeframes, not to exceed 30 days, for the approval of vendor
8 training programs.

9 (7) The department may charge a reasonable fee, not to exceed
10 one hundred fifty dollars (\$150) every two years, to certification
11 program vendors for review and approval of the initial 40-hour
12 training program pursuant to subdivision (c). The department may
13 also charge the vendor a fee, not to exceed one hundred dollars
14 (\$100) every two years, for the review and approval of the
15 continuing education courses needed for recertification pursuant
16 to this subdivision.

17 (j) This section shall be operative upon regulations being
18 adopted by the department to implement the administrator
19 certification program as provided for in this section.

20 (k) The department shall establish a registry for holders of
21 certificates that shall include, at a minimum, information on
22 employment status and criminal record clearance.

23 SEC. 2. No reimbursement is required by this act pursuant to
24 Section 6 of Article XIII B of the California Constitution because
25 the only costs that may be incurred by a local agency or school
26 district will be incurred because this act creates a new crime or
27 infraction, eliminates a crime or infraction, or changes the penalty
28 for a crime or infraction, within the meaning of Section 17556 of
29 the Government Code, or changes the definition of a crime within
30 the meaning of Section 6 of Article XIII B of the California
31 Constitution.

